IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23388 of 2004

Between:

B.Sambaiah, S/o.B.Yagnanarayana,

Hindu, aged 38 years, Lecturer in Mathematics
Govt., Jr.College, Kallur, Khammam District.

..... PETITIONER

AND

1 The Government Junior College, Kallur,

Khammam District, rep.by its Principal.
2 The Director of Intermediate Education,

Govt. of A.P., Nampalli, Hyderabad.
3 The Government of A.P. rep.by its Secretary

Department of Higher Education, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents, in not continue the petitioner as Maths Lecturer as per the agreement made between the petitioner and Respondents as illegal, arbitrary and in violation of principles of Natural Justice and consequently direct the respondents to continue the petitioner as Maths Lecturer till the end of agreement period i.e., 28-2-2005.

Counsel for the Petitioner: MR.S.ABHAY KUMAR SAGAR

Counsel for the Respondent No.2: MR.S.S.PRASAD

Counsel for the Respondent Nos.1 and 3: GP FOR HIGHER EDUCATION

The Court at the admission stage made the following:

ORDER:

For not continuing the petitioner as a lecturer as per the agreement made between the petitioner and respondents, the present writ petition is filed.

The learned counsel or the petitioner contended that for the posts of junior lecturers though a regulation is made, those proceedings were kept in abeyance by the Regional Joint Director of Intermediate Education, Warangal. The learned Government pleader opposed the same.

The facts are not in dispute. The petitioner was appointed by the 2nd respondent vide proceedings No.Rc.RD Ser.112/2138/2003, dated 16.09.2004 on contract basis. The validity of the contract period is up to 28.02.2005, and since then the writ petitioner has been discharging his duties. Contrary to the terms of the contract of agreement, the writ petitioner was orally instructed not to attend the classes from 15.12.2004. The act of the respondents in terminating the services of the petitioner orally is contrary to the terms of contract of agreement, which was in force till 28.02.2005.

Therefore, the writ petition is allowed directing the respondents to continue the petitioner as per agreement till 28.02.2005. No order as to costs.

Note:

Issue CC in two days

B/o

dsr

ASSISTANT REGISTRAR

To:

1. The Principal,

The Government Junior College,

Kallur, Khammam District

2. The Director of Intermediate Education,

Govt.of A.P., Nampalli, Hyderabad

3. The Secretary,

Govt.of A.P.,

Department of Higher Education,

Secretariat, Hyderabad

4. Two CCs to the Government Pleader

for Higher Education,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.